

FILE COPY

STATE OF WISCONSIN
BEFORE THE REAL ESTATE BOARD

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST

JOAN M. ARNONE

and

JOHN CRIMMINGS,

RESPONDENTS

:
:
: FINAL DECISION AND ORDER
: 95 REB 222
:
:
:

The parties to this action for the purpose of Wis. Stats. sec. 227.53 are:

Joan M. Arnone
710 Crabtree Lane
Racine, WI 53406

John P. Crimmings
3025 Chatham St.
Racine, WI 53402

Wisconsin Real Estate Board
P.O. Box 8935
Madison, WI 53708

Department of Regulation and Licensing
Division of Enforcement
P.O. Box 8935
Madison, WI 53708-8935

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Board. The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Joan M. Arnone. ("Arnone"), 710 Crabtree Lane. Racine. WI 53406. is a real estate broker having state of Wisconsin License #23383, which license was originally granted to Arnone on February 29, 1980. Arnone currently is employed as a real estate broker for N. Christiansen & Son Real Estate, Inc., said employment commencing on or about October 17, 1983.

2. John P. Crimmings, ("Crimmings"), 3025 Chatham St. Racine, WI 53402 is a real estate broker having state of Wisconsin License #16217, which license was originally granted to Crimmings on March 14, 1977. CRIMMINGS currently is employed as the Vice President of N. Christensen & Son Real Estate, Inc. and is the supervising real estate broker for Arnone., said employment commencing on or about January 1, 1991.

3. On or about June 17, 1995, Arnone began showing buyers, Timothy and Jill Jones, several houses; the buyers signed the notice to clients and customers disclosure form.

4. On or about June 17, 1995, Camelot Homes, Inc. had a model home located at 5748 French Lane, Racine, WI listed for sale.

5. On or about June 27, 1995, Arnone consulted with Crimmings regarding writing offers to purchase for Jones on selected homes; Crimmings recommended language modeled from the Multiple Counter offer form be inserted into each offer.

6. During the course of that listing, Arnone submitted an offer to purchase through Thomas G. DuCharme, president of Camelot Homes, Inc., said offer dated June 27, 1995. This offer was drafted by Joan Arnone, real estate salesperson employed by N. Christensen and Son Real Estate, Inc.

7. On or about June 27, 1995, Joan Arnone drafted five offers to purchase on behalf of the buyers. All five offers contained the verbiage under additional provisions: "Acceptance of this offer to purchase by Seller shall not become binding upon Buyer until the agreement is confirmed by Buyer on a separate Amendment to the Contract under the Notice section. Said notice shall be given to Seller within 24-hours of Seller's Acceptance, or this offer will be null and void." This offer was not accepted by Tom Ducharme for Camelot Homes, Inc.

8. On or about June 28, 1995, Mr. Ducharme spoke with Ms. Arnone and outlined terms of a counteroffer which he requested be written by Ms. Arnone.

9. On or about June 28, 1995, Joan Arnone verbally gave the buyers the counteroffer.

10. On or about June 29, 1995, the buyers agreed to buy another home.

CONCLUSIONS OF LAW

1. The Wisconsin Real Estate Board has jurisdiction to act in this matter pursuant to sec. 452.14, Wis. Stats.

2. The Wisconsin Real Estate Board is authorized to enter into the attached Stipulation pursuant to sec. 227.44(5), Wis. Stats.

3. Respondents Joan Arnone and John Crimmings have violated:

Section RL 24.025, Wisconsin Administrative Code and section 452.133(2)(a) of the Wisconsin Statutes by failing to treat all parties in a transaction fairly and by failing to place the client's interest ahead of the interest of any other party and,

Section RL 24.08, Wisconsin Administrative Code by failing to reduce all contracts to writing.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that the attached Stipulation is hereby accepted.

IT IS FURTHER ORDERED, that Joan M. Arnone, real estate broker license No. 23383 be given a **PRIVATE LETTER OF WARNING**.

IT IS FURTHER ORDERED, that John P. CRIMMINGS, real estate broker license No. 16217 be given a **PRIVATE LETTER OF WARNING**.

IT IS FURTHER ORDERED, that file 95 REB 222 be, and hereby is closed.

Dated this 27 day of March, 1998.

WISCONSIN REAL ESTATE BOARD

By: Beechie O. Brooks

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STATE OF WISCONSIN
BEFORE THE REAL ESTATE BOARD

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST

JOAN M. ARNONE
and
JOHN P. CRIMMINGS
RESPONDENTSS.

STIPULATION
95 REB 222

The parties in this matter agree and stipulate as follows:

1. This Stipulation is entered into for the purpose of resolving this matter known as investigative file 95 REB 222. JOAN M. ARNONE ("Respondents") and JOHN P. CRIMMINGS ("Respondents") consent to the resolution of this matter by this Stipulation and the attached Final Decision and Order.

2. Respondents understand that by the signing of this Stipulation they voluntarily and knowingly waive their rights, including: the right to a hearing on the allegations against them, at which time the State has the burden of proving those allegations; the right to confront and cross-examine the witnesses against them; the right to call witnesses on their behalf and to compel their attendance by subpoena; the right to testify themselves; the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision; the right to petition for rehearing; and all other applicable rights afforded to them under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, and the Wisconsin Administrative Code.

3. Respondents have had the opportunity to consult with legal counsel regarding these matters and the legal implications of this Stipulation.

4. Respondents voluntarily and knowingly waive the rights set forth in paragraph 2 above, on the condition that all of the provisions of this Stipulation are approved by the Board.

5. With respect to the attached Final Decision and Order, Respondents neither admit nor deny the facts as set forth in the Findings of Fact, however, Respondents agree that the Board may make the Findings of Fact and may reach the Conclusions set forth in the Conclusions of Law and may enter the Order attached thereto.

6. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation or the proposed Final Decision and Order. The matter shall then be returned to the Division of Enforcement for further proceedings. In the event that the Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

7 If the Board accepts the terms of this Stipulation, the parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties.

8. Respondents agree that Complainant's attorney, may appear at any meeting of the Board with respect to the Stipulation and that his appearance is limited to statements in support of the Stipulation and to answer any questions the Board may have regarding the Stipulation. Respondents waive any right they may have to have notice of that meeting and to be present at the meeting of the Board.


9. The Division of Enforcement joins Respondents in recommending that the Board adopt this Stipulation and issue the attached Final Decision and Order.


JOAN M. ARNONE, Respondents

3-3-97
Date


JOHN P. CRIMMINGS, Respondents

3-3-97
Date


GERALD M. SCANLAN, Attorney
Division of Enforcement

3-5-97
Date

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STATE OF WISCONSIN
DEPARTMENT OF REGULATION AND LICENSING
BEFORE THE REAL ESTATE BOARD

In the Matter of the Disciplinary Proceedings Against

Joan M. Arnone

and

John Crimmings,

WI REB 222
AFFIDAVIT OF MAILING

Respondents.

STATE OF WISCONSIN)
)
COUNTY OF DANE)

I, Kate Rotenberg, having been duly sworn on oath, state the following to be true and correct based on my personal knowledge:

1. I am employed by the Wisconsin Department of Regulation and Licensing.

2. On March 28, 1997, I served the Final Decision and Order dated March 27, 1997 upon the Respondents Joan M. Arnone and John Crimmings by enclosing true and accurate copies of the above-described document in envelopes properly stamped and addressed to the above-named Respondents and placing the envelopes in the State of Wisconsin mail system to be mailed by the United States Post Office by certified mail. The certified mail receipt numbers on the envelopes are P 201 374 134 (Arnone) and P 201 374 135 (Crimmings).

3. The addresses used for mailing the Decision are the addresses that appear in the records of the Department as the Respondents' last-known addresses and are:

Joan M. Arnone
710 Crabtree Lane
Racine, WI 53406


John P. Crimmings
3025 Chatham Street
Racine, WI 53402



Kate Rotenberg
Department of Regulation and Licensing
Office of Legal Counsel

Subscribed and sworn to before me

this 28th day of March, 1997.



Notary Public, State of Wisconsin
My commission is permanent.

NOTICE OF APPEAL INFORMATION

Notice Of Rights For Rehearing Or Judicial Review. The Times Allowed For Each. And The Identification Of The Party To Be Named As Respondent.

Serve Petition for Rehearing or Judicial Review on:

STATE OF WISCONSIN REAL ESTATE BOARD

1400 East Washington Avenue

P.O. Box 8935

Madison, WI 53708.

The Date of Mailing this Decision is:

March 28, 1997

1. REHEARING

Any person aggrieved by this order may file a written petition for rehearing within 20 days after service of this order, as provided in sec. 227.49 of the *Wisconsin Statutes*, a copy of which is reprinted on side two of this sheet. The 20 day period commences the day of personal service or mailing of this decision. (The date of mailing this decision is shown above.)

A petition for rehearing should name as respondent and be filed with the party identified in the box above.

A petition for rehearing is not a prerequisite for appeal or review.

2. JUDICIAL REVIEW.

Any person aggrieved by this decision may petition for judicial review as specified in sec. 227.53, *Wisconsin Statutes* a copy of which is reprinted on side two of this sheet. By law, a petition for review must be filed in circuit court and should name as the respondent the party listed in the box above. A copy of the petition for judicial review should be served upon the party listed in the box above.

A petition must be filed within 30 days after service of this decision if there is no petition for rehearing, or within 30 days after service of the order finally disposing of a petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30-day period for serving and filing a petition commences on the day after personal service or mailing of the decision by the agency, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing this decision is shown above.)